

# Order

Michigan Supreme Court  
Lansing, Michigan

March 29, 2016

Robert P. Young, Jr.,  
Chief Justice

151057

Stephen J. Markman  
Brian K. Zahra  
Bridget M. McCormack  
David F. Viviano  
Richard H. Bernstein  
Joan L. Larsen,  
Justices

PEOPLE OF THE STATE OF MICHIGAN,  
Plaintiff-Appellee,

v

SC: 151057  
COA: 324953  
Oakland CC: 89-095782-FC

JOHN MARSHALL ATKINS, JR.,  
Defendant-Appellant.

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By order of December 22, 2015, the application for leave to appeal the January 21, 2015 order of the Court of Appeals was held in abeyance pending the decision in *Montgomery v Louisiana*, cert gtd 575 US \_\_\_\_; 135 S Ct 1546; 191 L Ed 2d 635 (2015). On order of the Court, the case having been decided on January 25, 2016, 577 US \_\_\_\_; 136 S Ct 718; 193 L Ed 2d 599 (2016), the application is again considered and, pursuant to MCR 7.305(H)(1), in lieu of granting leave to appeal, we VACATE the sentence of the Oakland Circuit Court for the defendant's first-degree murder conviction, and we REMAND this case to the trial court for resentencing on that conviction pursuant to MCL 769.25 and MCL 769.25a. See *Montgomery, supra*; *Miller v Alabama*, 567 US \_\_\_\_; 132 S Ct 2455; 183 L Ed 2d 407 (2012). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



a0321

I, Larry S. Royster, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 29, 2016

  
Clerk